

## Council Policy 600-24 Issues

Identified by CPC Subcommittee/August 2003  
1<sup>st</sup> Draft 9/15/03; 2<sup>nd</sup> Rev 10/08/03; 3<sup>rd</sup> Rev 10/10/03; 4<sup>th</sup> Rev 10/24/03

CPC's Issue Description	Council Policy Section	Admin. Guidelines Section	Staff Observation	Subcommittee Discussion/Recommendation
<b>CPC1</b> - Who's in charge of the city	Not addressed	Not addressed	What are the most easily accessible locations for ongoing access? Website? To provide with updated names, not in COW handbook.	Refer to PD25
<b>CPC2</b> - Eligibility of voting for planning board members and verification of eligibility; how registered	Art. III, Sect. 3 Art. VIII, Sect. 1 (1)	Section 2	<p>Council Policy addresses the minimum eligibility requirements; further definition of eligibility is defined in individual bylaws; verification of eligibility and registration defined in individual bylaws.</p> <p>Staff is proposing to include general directions in the Elections Handbook. Overall guidance must be supplemented by CPG bylaws and procedures.</p>	Separate CP Article III, Section 3 into sections CP Article III, Section 3 should define eligible members and should be changed to clarify business seat as non-residential business address.
<b>CPC3</b> - Proxy voting and write-in candidates	Art. V, Sect. 3	Section 6,8	<p>The Administrative Guidelines, approved by the City Attorney and Planning Director as implementing CP 600-24 prohibit proxy voting, even though the CP is silent. The AG interpretation is based on clear and detailed language in Article VI, Section 2, of the CP indicating votes [on projects or actions] are to be taken with a quorum present at a regular meeting of the CPG. The prohibition of proxy voting will be clearly written into any amendment of the CP 600-24.</p> <p>Write-in procedures may be allowed through a cpg's bylaws. Staff is proposing to include general directions in the Elections Handbook. Overall guidance must be supplemented by CPG bylaws and procedures.</p>	<p>Change CP to prohibit proxy votes for elections or projects [altogether??].</p> <p>Change CP to allow for absentee votes for elections [Article VIII 1[1]?]. Change Admin Guidelines to talk about procedures needed to be certain voters certified and only vote once.</p> <p>Change CP to clarify that members must be present for non-election action items.</p> <p>Change Admin Guidelines to discuss write-in candidates procedures when bylaws allow [see Elections Handbook]</p>

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<b>CPC4</b> - Who keeps ballots and counts them during an election	ELECTIONS	Not addressed	Section 6	Election procedures are defined in individual bylaws. Staff is proposing to include general directions in the Elections Handbook. Overall guidance must be supplemented by CPG bylaws and procedures.	Change Admin Guidelines to address options for procedures [see Elections Handbook].
<b>CPC5</b> - Whether bylaws should have uniform provisions regarding election procedures	GENERAL; ELECTIONS	Art. V, Sect. 1-3 Art. VIII, Sect. 1 (1)(a-d)	Section 6	CP 600-24 requires minimum election procedures; other topics to be defined in individual bylaws. Staff is proposing to include general directions in the Elections Handbook. Overall guidance must be supplemented by CPG bylaws and procedures.	Change Admin Guidelines [see Elections Handbook].  Change Admin Guidelines to discuss both options of Elections Committee or Nominating & Elections Committee structure  Change Admin Guidelines to indicate that a cpg's bylaws should address the same topics as CP600-24 and in the same order as the CP.
<b>CPC6</b> - Planning board officers withholding information from other members and the public; general record keeping issues; chain of custody of documents.	GENERAL	Art. VI, Sect. 2, 4 Art. VII, Sect. 4	Section 5, 9, 10	CP 600-24 and CPG bylaws address responsibilities regarding bylaws, rosters, annual reports, minutes.  Distribution of information is operational issue. Are electronic communications being used appropriately?	Change CP to reflect responsibility of all officers to assure all elected cpg members have knowledge of information that is received by the cpg regarding its official business.  Change CP Article VIII to require a procedure regarding the dispersal to the cpg of information described above  Change Admin Guidelines to add examples of how to distribute information; talk about distribution in a timely manner to allow informed voting, etc.  Change Admin Guidelines to assure that electronic communications received regarding official cpg business go to all elected cpg members  Change CP to state [in a positive way] that

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					decisions made by a cpg must be made at a public meeting of the cpg, following public subcommittee meeting as appropriate.
<b>CPC7</b> - City approval of bylaws being withheld from planning groups; time limit for city attorney to approve bylaws	GENERAL	Timeframes not addressed but process is.	Section 16	Timeframes of City review of CPG-drafted proposed bylaw amendments not identified. Staff should commit to turnaround time since bylaw amendment not effective until approved by Planning Director/City Attorney.	Change Admin Guidelines to describe a recommended process by a cpg to amend its bylaws: vote to amend; have a subcommittee to fine-tune bylaw change before voting on it; work with staff to assure CP consistency; then vote; then send to City for approval.
<b>CPC8</b> - Home business issue; qualifications for business representation	REPRESENTATION	Art. III, Sect. 3	Section 1	CP addresses minimum requirement for membership, and doesn't address home based business directly. Planning and City Attorney have advised that home based business is not consistent with goal of business representative in CP 600-24. Staff is proposing to include general directions in the Elections Handbook. Administrative Guidelines should be revised to clarify, or perhaps CP 600-24.	Admin Guidelines should be changed to describe business seat and to talk about how a home-based business could hold a different seat on the cpg.

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<b>CPC9</b> - Proper notification of vacancies, elections, procedures, subcommittee meetings and general meetings	ELECTIONS; NOTICING; PROCEDURES	Art. IV, Sect. 1 Art. V, Sect. 2 Art. VI, Sect. 2,3 Art. VIII, Sect. 1 (2,3,6)	Section 1,4,5,6,8,9,15	Administrative Guidelines provide guidance – procedures vary by CPG.  Staff is proposing to include general directions in the Elections Handbook. Overall guidance must be supplemented by CPG bylaws and procedures.	CP Article V, Section 2 should be amended to change Planning Dept duty for placing 2 ads in newspapers. Reflect current technology.  Admin Guidelines should be changed to give more suggestions on alternative ways to advertise cpg candidate opportunities.
<b>CPC10</b> - Diversity of representation [residents, businesses, developers, special groups and organizations]	REPRESENTATION	Art. III, Sect. 3	Sect. 1	CP 600-24 addresses minimum requirement for membership. Further eligibility defined in individual bylaws. CPGs encouraged to work with staff to assure appropriate representation categories in evolving communities.	Admin Guidelines should be changed to say what to do if a business seat can't be filled at an election.
<b>CPC11</b> - Removal of planning board members	SELF GOVERNANCE	Not addressed	Not addressed	Approaches such as term limitations, strong election opponents, and ineligible status are ways a member can leave an elected board seat. Removal by the CPG [elected representatives] is not addressed, though some CPGs have requested this provision in CP 600-24.	CP could be changed to indicate that a simple majority board vote could be held to remove elected members under limited circumstances: 1. after 3 unexcused absences and with definition by the cpg of “unexcused absence”, or 2. upon determination by the secretary that member has become ineligible to serve due to not meeting membership qualifications. Admin Guidelines could be changed to discuss.  Regarding removal for inappropriate action, see CPC16 – Grievances.
<b>CPC12</b> - Financial interest in projects, public disclosure, and recusal	DIRECT ECONOMIC INTEREST	Art. VI, Sect. 7	Section 12	CP 600-24 language is brief but Administrative Guidelines attempt to provide guidance to CPGs who experience different conflict situations. It is not the same standard as the FPPA, nor could that be enforced for volunteers. Planning staff and City Attorney deal with Direct Economic Interest on a case by case basis. Staff acknowledges that more direction is needed, perhaps stronger CP 600-24 language.	Change CP to include language about recusal for DEI  Change Admin Guidelines to give more DEI examples [both when to, and when not necessary]; describe expectation of member's actions when recusal is in order.  [under CPC16 discuss how to handle action when recusal is called for and member does not recuse]

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<b>CPC13</b> - How to ensure fairness in the entire process given competing political agendas	SELF GOVERNANCE	Art. VI, Sect. 3 Art. II, Sect. 4	Not addressed	Formal “P”olitics are not within the scope of a CPG’s responsibilities. Open meetings, non-discrimination, representation of community interests are a CPG’s responsibilities. This is a self-governance issue that City staff can work with an individual CPG on to advise how a CPG can be perceived as fair.	Addressed by other items  Change Admin Guidelines to direct that if there is an “executive committee” of the cpg, then its role must be clearly defined, and clarify that it is an open meeting [see RRO]
<b>CPC14</b> - General Membership [added 9/16/03]	GENERAL	Not addressed in council policy	Section 2	CP600-24 only addresses and provides guidance related to elected members. PD prefers to identify models for those CPGs who want to establish general memberships in the Administrative Guidelines.	Change CP to just acknowledge the choice of a cpg to establish a “general membership” of the cpg in Article III, Section 3  Change the Admin Guidelines – tbd
<b>CPC15</b> – when a member becomes ineligible during their term [added 9/16/03]	REPRESENTATION; ELECTIONS	Art. III, Sect. 3 Art. IV, Sect. 1 Art. VII, Sect. 4	Not addressed	This issue isn’t really addressed since CP600-24 presumes a member retains eligibility.  Should also be addressed in Elections Handbook related to candidates becoming eligible.	Admin Guidelines should be changed to address how a member could become ineligible during term and what action cpg should take if individual doesn’t resign.  Admin Guidelines [see Elections Handbook] will be changed to address eligibility of candidates during an election.
<b>CPC16</b> – Grievances [added 9/16/03]	SELF-GOVERNANCE	Not addressed	Not addressed	Staff also desires that this issue be addressed.	Change CP to include provision that indicates that in cases of alleged violations of CP600-24 or adopted bylaws by a cpg, that the cpg will follow an investigative process outlined in the Admin Guidelines and adopted into its bylaws. State in CP that the goal is for cpg to investigate issues related to individual members or actions of the cpg as a whole, and to determine if there is no wrongdoing or, if there is an error, how it can be corrected. Indicate that if an alleged violation is raised to city staff, that staff will defer to cpg to analyze and resolve. If not resolved/resolvable by cpg, city staff will assist or recommend action to the cpg [or to the city council as needed]. Indicate that in circumstances where an

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					<p>alleged violation against an elected cpg member is proven true, and there is no opportunity for correction, that the cpg may, after investigation and notice as outlined in Admin Guidelines and adopted into cpg bylaws, remove an elected member by a 2/3 vote of the cpg.</p> <p>Amend Admin Guidelines to support and discuss issues/procedures related to investigation of allegations, recourse, removal of elected cpg members.</p>
<b>CPC17</b> – Clarify indemnification [added 9/16/03]	SELF-GOVERNANCE	Entire CP600-24, particularly Art. 6, Sect. 6	Section 11	Should be clarified that <b>just</b> attending a COW does not guarantee indemnification.	<p>Change CP to address the indemnification ordinance and its provisions</p> <p>Change Admin Guidelines to discuss indemnification and requirements for being indemnified, eg, not just attending the COW; must be a member in good standing; follow CP and bylaws, etc.</p>
<b>CPC18</b> – What does a “slate” of candidates mean? [added 9/16/03]	ELECTIONS	Not addressed	Section 6	Check out the last paragraph of Section 6 of the Administrative Guidelines re: current advisory regarding “slates”.	Expand in Admin Guidelines why not to use “slate” [see Elections Handbook].

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